

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:09CR223
Plaintiff,)	
)	
vs.)	ORDER
)	
AUDREY WOLFE,)	
)	
Defendant.)	

This matter is before the court on the joint motion to continue by defendant Audrey Wolfe (Wolfe) and the government (Filing No. 35). The parties seek a continuance of the trial of this matter which is scheduled for November 23, 2009. Wolfe's counsel has represented to the court that Wolfe will submit an affidavit wherein Wolfe represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The joint motion to continue trial (Filing No. 35) is granted.
2. Trial of this matter is re-scheduled for **December 7, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 28, 2009 and December 7, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of October, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge